AUSA: Timothy P. McDonald Telephone: (313) 226-0221

AO 106 (Rev. 04/10) Application for a Search Warrant Task Force Officer: Jeremy R. McCullough Telephone: (313) 350-6747

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

In the Matter of the Search of *(Briefly describe the property to be searched or identify the person by name and address)* THE CELLULAR DEVICE ASSIGNED CALL NUMBER (586) 522-6746.	)	Case No. 2:17−mc−50368-02 Assigned To : Lawson, David M. Assign. Date : 3/10/2017 Description: SEALED MATTER

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See ATTACHMENT A.

located in the Eastern District of Michigan, there is now concealed *(identify the person or describe the property to be seized)*:

See ATTACHMENT B.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☑ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
8 U.S.C. 1326(a)	Unlawful re-entry after Deportation

The application is based on these facts:

See attached AFFIDAVIT.

- ☐ Continued on the attached sheet.
- ☑ Delayed notice 30 days (give exact ending date if more than 30 days: ________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

TFO [signature]

Applicant's signature

Jeremy R. McCullough, FBI Task Force Officer

Printed name and title

Sworn to before me and signed in my presence and/or by reliable electronic means.

Date: March 9, 2017

[signature]

Judge's signature

City and state: Detroit, Michigan

Anthony P. Patti U. S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

IN THE MATTER OF THE SEARCH OF THE CELLULAR DEVICE ASSIGNED CALL NUMBER **(586) 522-6746.**	Case No. 2:17−mc−50368-02 Assigned To : Lawson, David M. Assign. Date : 3/10/2017 Description: SEALED MATTER **Filed Under Seal**

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Jeremy R. McCullough, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 to authorize law enforcement to employ electronic investigative techniques, as described in the following attachment, to determine the location of the target cellular device assigned dialed number **(586) 522-6746**. The service provider for the target cellular device is T-Mobile, 4 Sylvan Way, Parsippany, New Jersey, 07054. This affidavit is made in support of up to two different search warrants to locate the phone: 1) by obtaining information from the service provider, e.g., cell site information and 2) by utilizing

a device that acts as a cell phone tower sometimes referred to as a Cell Site Simulator.

2. I am a Deportation Officer with United States Department of Homeland Security, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, having been so employed since March 2003. Previously I was employed by the United States Department of Justice, Immigration and Naturalization Service, Detention and Removal Operations. I am currently assigned to the Federal Bureau of Investigation (FBI) Violent Gang Task Force (VGTF) and have been so for the previous two years. During my career, I have been involved in numerous investigations of federal firearms, narcotics and credit card fraud investigations and use of cellular devices to commit those offenses and the available technology that can be used by law enforcement to assist in identifying the users of cellular devices and their location.

3. The facts in this affidavit come from my personal observations, training, experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. One purpose for applying for this warrant is to determine the target cellular device's location. However, there is reason to believe the target cellular

device is currently located in this district. The user is known to spend most of his time in the Eastern District of Michigan.

5. Based on the facts set forth in this affidavit, there is probable cause to believe that Rudy Carcamo-Carranza (hereinafter referred to as CARCAMO-CARRANZA) has violated 8 U.S.C. § 1326(a), Unlawful Re-entry after Deportation. CARCAMO-CARRANZA is believed to have committed this crime on or about February 28, 2016. There is also probable cause to believe that locating the target cellular device will assist law enforcement in arresting CARCAMO-CARRANZA, who is a "person to be arrested" within the meaning of Federal Rule of Criminal Procedure 41(c)(4).

PROBABLE CAUSE

6. On June 12, 2005, CARCAMO-CARRANZA was arrested by the United States Border Patrol for entering the United States without inspection and was subsequently issued a Notice to Appear. On April 19, 2006, CARCAMO-CARRANZA was ordered removed to El Salvador by an Immigration Judge in Detroit, Michigan. On October 23, 2012, the suspect, a fugitive, was arrested by ERO Officers in order to effect the Immigration Court's order of removal. On November 1, 2012, CARCAMO-CARRANZA was removed to El Salvador. On an unknown date and time, CARCAMO-CARRANZA re-entered the United States

without the permission of the Attorney General or the Secretary of the Department of Homeland Security. On December 29, 2014, CARCAMO-CARRANZA was again arrested by ERO Officers and his original order of removal was reinstated. On January 14, 2015, CARCAMO-CARRANZA was removed to El Salvador. On February 28, 2016, CARCAMO-CARRANZA was involved in a hit and run accident in Shelby Township, Michigan. During the incident CARCAMO-CARRANZA fled the scene and hid inside his employment, where he was later located and arrested by Shelby Township Police. Prior to ERO Officers arrival at the Shelby Township Police Department, CARCAMO-CARRANZA was released.

7. On January 24, 2017, I applied for and received a State of Michigan Search Warrant for the suspect's FACEBOOK account. During a review of private messages, CARCAMO-CARRANZA provided his cellular number, **(586) 522-6746**, to FACEBOOK member Nochii Mooraan. The number was provided on January 20, 2017 at 05:06:34 Universal Time Code (UTC).

8. On March 6, 2017, I contacted T-Mobile and confirmed that the number is still current and active.

9. Information obtained from this search warrant will be used to attempt to locate CARCAMO-CARRANZA within the next 30 days. The information gathered and techniques proposed reduce the chance that the subject(s) will

abscond from this investigation and pending judicial action by limiting the chance that he/she will learn of the outstanding charges.

AUTHORIZATION REQUEST & MANNER OF EXECUTION

10. Based on the foregoing, I request that the Court issue the proposed search warrant pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c).

11. Because collecting the information authorized by this warrant may fall within the statutory definitions of a "pen register" or a "trap and trace device," *see* 18 U.S.C. § 3127(3) & (4), this warrant is designed to comply with the Pen Register Statute as well as Rule 41. *See* 18 U.S.C. §§ 3121-3127. This warrant therefore includes all the information required to be included in a pen register order. *See* 18 U.S.C. § 3123(b)(1).

12. In my training and experience, I have learned that cellular phones and other cellular devices communicate wirelessly across a network of cellular infrastructure, including towers that route and connect individual communications. When sending or receiving a communication, a cellular device broadcasts certain signals to the cellular tower that is routing its communication. These signals include a cellular device's unique identifiers.

13. In my training and experience, I have learned that **T-Mobile** is a company that provides cellular telephone access to the general public. I also know that providers of cellular telephone service have technical capabilities that allow them to collect and generate at least two kinds of information about the locations of the cellular telephones to which they provide service: (1) E-911 Phase II data, also known as GPS data or latitude-longitude data, and (2) cell-site data, also known as “tower/face information” or cell tower/sector records. E-911 Phase II data provides relatively precise location information about the cellular telephone itself, either via GPS tracking technology built into the phone or by triangulating on the device’s signal using data from several of the provider’s cell towers. Cell-site data identifies the “cell towers” (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the “sector” (i.e., faces of the towers) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to a wireless device does not necessarily serve every call made to or from that device.

14. To facilitate execution of this warrant, law enforcement may use an investigative device or devices (sometimes referred to as a Cell Site Simulator) capable of broadcasting signals that will be received by the Target Cellular Device

or receiving signals from nearby cellular devices, including the Target Cellular Device. Such a device may function in some respects like a cellular tower, except that it will not be connected to the cellular network and cannot be used by a cell phone to communicate with others. The device may send a signal to the Target Cellular Device and thereby prompt it to send signals that include the unique identifier of the device. Law enforcement may monitor the signals broadcast by the Target Cellular Device and use that information to determine the Target Cellular Device's location, even if it is located inside a house, apartment, or other building.

15. The investigative device may interrupt cellular service of phones or other cellular devices within its immediate vicinity. Any service disruption to non-target devices will be brief and temporary, and all operations will attempt to limit the interference with such devices. In order to connect with the Target Cellular Device, the device may briefly exchange signals with all phones or other cellular devices in its vicinity. These signals may include cell phone identifiers. The device will not complete a connection with cellular devices determined not to be the Target Cellular Device, and law enforcement will limit collection of information from devices other than the Target Cellular Device. To the extent that any information from a cellular device other than the Target Cellular Device is collected by the law enforcement device, law enforcement will delete that

information, and law enforcement will make no investigative use of it absent further order of the court, other than distinguishing the Target Cellular Device from all other cellular devices.

16. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to delay notice until 30 days after the collection authorized by the warrant has been completed. This delay is justified because there is reasonable cause to believe that providing immediate notification of the warrant may have an adverse result as defined in 18 U.S.C. § 2705. Providing immediate notice to the subscriber or user of the target cellular device would seriously jeopardize the ongoing investigation. Such disclosure would give that person an opportunity to destroy evidence, change patterns of behavior, notify confederates, and flee from prosecution. *See* 18 U.S.C. § 3103a(b)(1). There is a reasonable necessity for the use of the techniques described. *See* 18 U.S.C. § 3103a(b)(2). As further specified in the attachment, which is incorporated into the warrant, the proposed search warrant does not authorize the seizure of any tangible property. *See* 18 U.S.C. § 3103a(b)(2). Moreover, to the extent that the warrant authorizes the seizure of any wire or electronic communication (as defined in 18 U.S.C. § 2510) or any

stored wire or electronic information, there is a reasonable necessity for that seizure. *See* 18 U.S.C. § 3103a(b)(2).

17. I further request all precision location information, E-911 Phase II data, GPS data, and latitude-longitude data.

18. I further request, pursuant to 18 U.S.C. § 3123, the installation of a pen register and trap and trace device with real time cell site information, including all packet switched data, to monitor non-content signaling and routing information. I also request disclosure by the service provider all information necessary to implement the requested techniques, including subscriber information, extended subscriber information, handset information, and per call measurement data (PCMD).

19. Pursuant to 18 U.S.C. § 3123(b), the government requests that the pen register / trap and trace device be transferable to any changed dialed number subsequently assigned to a device bearing the same ESN, IMSI, or SIM as the target cellular device; any changed ESN, IMSI, or SIM subsequently assigned the same dialed number as the target cellular device; or any additional changed dialed number, ESN, IMSI, or SIM listed to the same subscriber account as the target cellular device.

20. I further request that the service provider provide call detail records, including cell site location information, for the past thirty (30) days. 18 U.S.C. § 2703(d).

21. I further request that the Court authorize execution of the warrant at any time of day or night, owing to the potential need to locate the target cellular device outside of daytime hours.

22. I further request that the Court order all documents in support of this application, including the affidavit and search warrant, be sealed until further order by the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize the investigation. I further request that the Court order any service provider, or their representatives, not to disclose the existence of this warrant or investigation unless ordered to do so by the Court.

23. A search warrant may not be legally necessary to authorize all of the investigative techniques described. Nevertheless, I submit this warrant application out of an abundance of caution.

Respectfully submitted,

Jeremy R. McCullough,
Federal Task Force Officer with the
Federal Bureau of Investigation

Sworn to before me and signed in my presence
and/or by reliable electronic means.

March 9, 2017

UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

This warrant authorizes the use of the electronic investigative technique described in Attachment B to identify the location of the cellular device assigned phone number (586) 522-6746, whose wireless provider is T-Mobile, and whose listed subscriber is Rudy Carcamo-Carranza.

ATTACHMENT B

PARTICULAR THINGS TO BE SEIZED

1. Information about the target cell phone and its location, later referred to collectively as location information, include all precision location information, E-911 Phase II data, GPS data, latitude-longitude data, per call measurement data (PCMD), and real time cell site information. It also includes monitoring non-content signaling and routing information, including all non-content packet switched data, through the installation and use of a pen register and trap and trace device pursuant to 18 U.S.C. §3123 by the service provider and the Federal Bureau of Investigation. The pen register / trap and trace device shall be transferable to any changed dialed number subsequently assigned to a device bearing the same ESN, IMSI, or SIM as the target cell phone; any changed ESN, IMSI, or SIM subsequently assigned the same dialed number as the target cell phone; or any additional changed dialed number, ESN, IMSI, or SIM listed to the same subscriber account as the target cell phone.

2. To the extent that the information described is within the possession, custody, or control of the service provider, the service provider is required to disclose all location information to the government.

3. All subscriber, extended subscriber, and handset information, as well as all technical assistance necessary to accomplish the collection of the location information unobtrusively and with as little interference as possible. This includes

initiating a signal to determine the location of the target cell phone on the service provider's network or with such other reference points as may be reasonably available and at such intervals and times directed by the government.

4. Call detail records, including cell site location information, for the past thirty (30) days. 18 U.S.C. § 2703. The government shall compensate the service provider for reasonable expenses incurred in furnishing such facilities or assistance. Any service provider or representative who gains access to the information in this warrant shall not disclose the existence of the warrant or investigation unless ordered to do so by the Court.

5. This warrant does not authorize the seizure of any tangible property. In approving this warrant, the Court finds reasonable necessity for the seizure of the information described. *See* 18 U.S.C. § 3103a(b)(2).

AUSA: Timothy P. McDonald Telephone: (313) 226-0221
AO 93 (Rev. 11/13) Search and Seizure Warrant Task Force Officer: Jeremy McCullough Telephone: (313) 350-6747

UNITED STATES DISTRICT COURT

for the
Eastern District of Michigan

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

THE CELLULAR DEVICE ASSIGNED CALL NUMBER (586) 522-6746.

Case No. 2:17−mc−50368-02
Assigned To : Lawson, David M.
Assign. Date : 3/10/2017
Description: SEALED MATTER

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of Michigan.
(identify the person or describe the property to be searched and give its location):

See ATTACHMENT A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized)*:

See ATTACHMENT B.

YOU ARE COMMANDED to execute this warrant on or before March 23, 2017 *(not to exceed 14 days)*

☑ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the presiding United States Magistrate Judge on duty .
(United States Magistrate Judge)

☑ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

☑ for 30 days *(not to exceed 30)* ☐ until, the facts justifying, the later specific date of ________ .

Date and time issued: March 9, 2017 at 2:00 p.m.

Judge's signature

City and state: Detroit, Michigan

U. S. Magistrate Judge
Printed name and title

Return

Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: ____________________

____
Executing officer's signature

____
Printed name and title